

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ANGELA M. SPENCE,

Plaintiff,

-v-

CHAMPAIGN COUNTY, OHIO AUDITOR,

Defendant.

Case No. 3:14-cv-209

Judge Thomas M. Rose

**ENTRY AND ORDER GRANTING SPENCE’S MOTION FOR LEAVE TO
AMEND (Doc. #5); ORDERING SPENCE TO FILE HER FIRST
AMENDED COMPLAINT AND DENYING CHAMPAIGN COUNTY’S
MOTION TO DISMISS (Doc. #3) WITHOUT PREJUDICE TO REFILE**

The Complaint in this case was filed on June 24, 2014, by Plaintiff Angela M. Spence (“Spence”). (Doc. #1.) The Champaign County, Ohio Auditor was the only Defendant named in Spence’s original Complaint.

On August 21, 2014, the Champaign County, Ohio Auditor filed a Motion To Dismiss. (Doc. #3.) Spence responded to this Motion (doc. #6) and, on the same date, filed a Motion for Leave To File First Amended Complaint (doc. #5). On September 29, 2014, the Champaign County, Ohio Auditor filed a Reply to its Motion To Dismiss. (Doc. #8.) Therein, the Champaign County, Ohio Auditor refers to Spence’s Motion To Amend so the Court considers the Reply to also be a response to the Motion To Amend.

In general, leave to amend a complaint should be granted unless an amendment is “brought in bad faith, for dilatory purposes, results in undue delay or prejudice to the opposing party or would be futile.” *Carson v. U.S. Office of Special Counsel*, 633 F.3d 487, 495 (6th Cir. 2011) (quoting *Crawford v. Roane*, 53 F.3d 750, 753 (6th Cir. 1995)). In this case, the

Champaign County, Ohio Auditor does not argue that the proposed amended complaint is brought in bad faith, for dilatory purposes or would result in undue delay or prejudice or that it would be futile.

Therefore, Spence's Motion To Amend (Doc. #5) is GRANTED. Spence is ordered to file her First Amended Complaint not later than 10 days following entry of this Order. Further, because presumably a First Amended Complaint will be filed, the Champaign County, Ohio Auditor's pending Motion To Dismiss is denied without prejudice to renewal.

DONE and **ORDERED** in Dayton, Ohio this Second Day of October, 2014.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record